

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

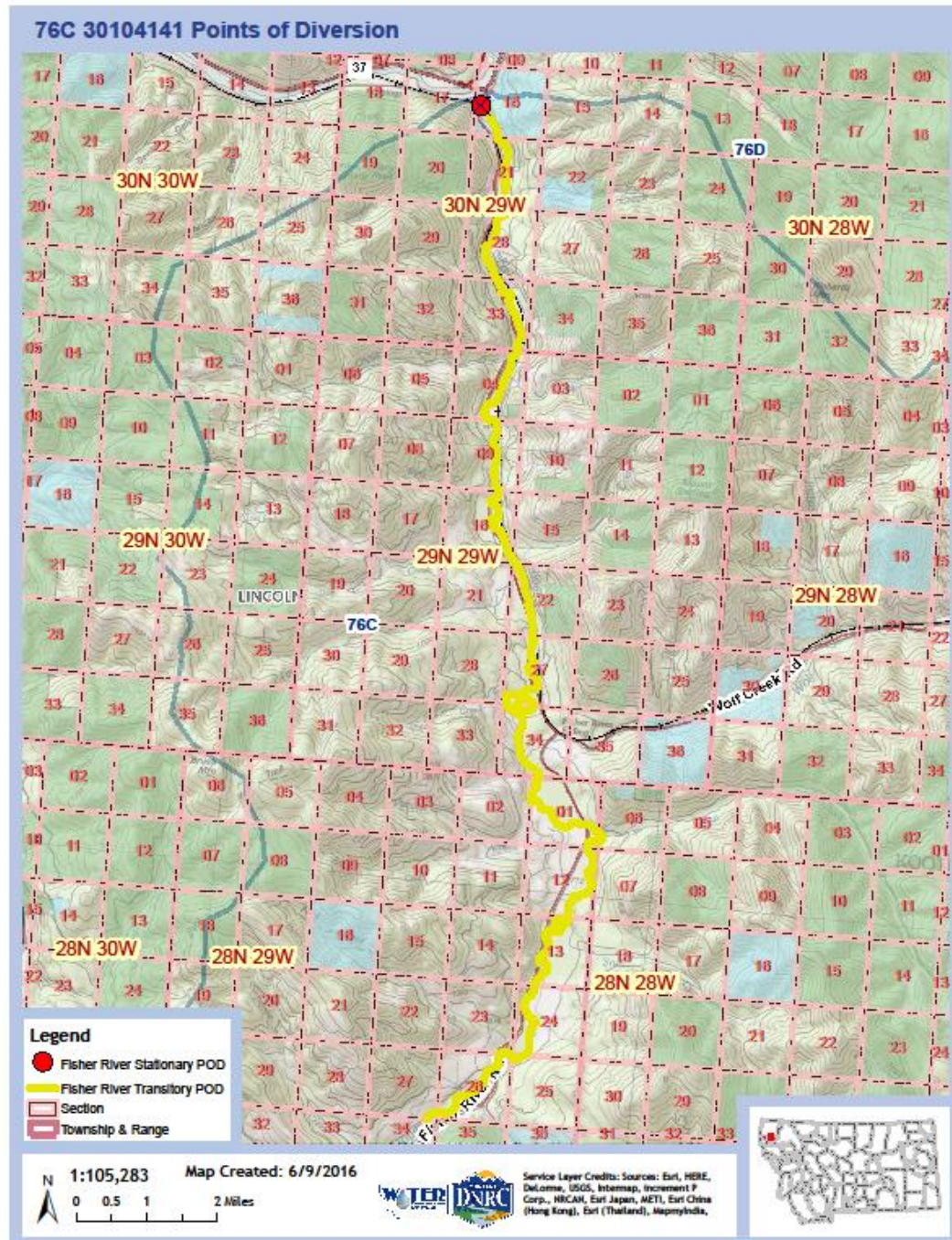
1. Applicant/Contact name and address: State of Montana Board of Land Commissioners
%Trust Lands Management Division
PO Box 201601
Helena, MT 59620-1601
2. Type of action: Application for Beneficial Water Use Permit 76C 30104141
3. Water source name: Fisher River
4. Location affected by project: The Applicant is proposing to divert water from the following locations:
 - NWNWSW Section 16, Township 30N, Range 29W, Lincoln County (fire training, dust abatement, weed spraying)
 - SESESE Section 27, Township 28N, Range 29W, Lincoln County (fire training-helicopter)

*The diversion by helicopter bucket will be transitory along the Fisher River between the two points of diversion. All other diversions will occur at the point of diversion in the NWNWSW Section 16.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant proposes to divert water from the Fisher River, by multiple means of diversion, from May 1-October 31 at 350 GPM up to 1.02 AF, from multiple locations on the Fisher River for industrial purposes consisting of fire training, dust suppression, and weed spraying. The main point of diversion (POD) will be located in the NWNWSW Section 16, Township 30N, Range 29W, Lincoln County, and will be used for industrial use associated with weed spraying, dust abatement, and fire training. The Applicant is also proposing to divert water using a transitory POD between their downstream-most and upstream-most requested PODs. This transitory POD will be used by helicopter only; the helicopter will withdraw water from the Fisher River using a bucket for fire training purposes. Water will be diverted using a 350 gallon bucket suspended from a helicopter as well as onboard pumps of wildland fire engines and tenders, tanker trucks for dust suppression, and portable pumps associated with weed spraying. Due to the nature of the use, water use is not tied to a specific parcel, and the water use relies on helicopters, fire engines, tenders, tanker trucks, and portable pumps for taking possession of the water at the point of diversion, the places of use for this application are considered to be the same as the points of diversion.

The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:
Montana Department of Fish, Wildlife, & Parks (DFWP)
Montana Department of Environmental Quality (DEQ)
Montana Natural Heritage Program



Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: No significant impact

The source of supply is the Fisher River which has not been identified as chronically or periodically dewatered by the Montana Department of Fish, Wildlife, & Parks. The proposed appropriation is for 350 GPM up to 1.02 AF per year from the Fisher River; this flow and volume has been determined to be both physically and legally available from the source.

Water quality - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: No significant impact

The Fisher River has been assessed for beneficial uses by the Montana Department of Environmental Quality (DEQ); it is identified by DEQ as fully supporting agricultural uses, primary contact recreation, and drinking water, and identified as not fully supporting aquatic life. The impairment identified by DEQ is a high flow regime likely caused by streambank modifications, destabilization, and channelization. The main point of diversion requested by the Applicant is at a bridge site located on land owned by the Applicant. It is not anticipated that the Applicant's proposed pumping out of the Fisher River system will have any impacts on water quality of the source.

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: No significant impact

The proposed appropriation is for surface water.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: No significant impact

The means of diversion is a bucket suspended under a helicopter or a pump mounted on wildland fire engines, tenders, tanker trucks, or portable pumps associated with weed spraying uses. The proposed points of diversion are at a county bridge crossing or via a helicopter bucket; no construction of diversion works will be required. There should be no channel impacts, flow modifications, barriers, riparian area disturbances, dams, or well construction associated with the proposed appropriation.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: No significant impact

The proposed points of diversion are located on the lower end of the Fisher River system. The main point of diversion consists of an already established access point to the Fisher River. A search of the Montana Natural Heritage website identified that Bull Trout and Canada Lynx could be in the area; two species identified as "Threatened" by the US Fish & Wildlife Service. The Montana Department of Fish, Wildlife, & Parks have identified that the Fisher River is not within a Bull Trout core area. There were no plant species identified as "threatened" or "endangered" within the project area. The maximum requested flow rate requested is 350 GPM and maximum volume is 1.02 AF. It is not anticipated that the proposed appropriation will have an impact on the identified species.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: No significant impact

The Applicant intends to divert up to 350 GPM and 1.02 AF of water from an established county bridge site or by bucket suspended by helicopter; no construction of access points will be required. Therefore, the proposed appropriation should have no significant impact on wetlands.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: No significant impact

There are no ponds associated with this project.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: No significant impact

The proposed beneficial use of this application is industrial use associated with fire training, dust abatement, and weed spraying and water will be diverted at an existing access site or via helicopter bucket from the Fisher River. There should be no impacts on soils associated with the proposed appropriation.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: No significant impact

This project will not impact existing vegetative cover and it is not anticipated that issuance of a water use permit will contribute to the spread of noxious weeds in the project area. A portion of the water use will be associated with spraying for noxious weeds.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No significant impact

There will be no impact to air quality associated with issuance of a water use permit.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: No significant impact

The main point of diversion is located at an existing county road bridge site crossing the Fisher River. There will be no new construction or modification of access sites along the river. Issuance of a water use permit would not have any impact on any historical or archeological sites.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No other potential impacts have been identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: No known environmental plans or goals will be impacted by this project.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: No access or recreational activities will be significantly impacted by this project. With the transitory diversion requested for helicopter diversions, the Applicant has the ability to choose which locations will have the least impact on people recreating in the general area.

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: This proposed project will have no significant impact on human health.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes ___ No X If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No regulatory impacts are known.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impacts identified
- (b) Local and state tax base and tax revenues? No significant impacts identified
- (c) Existing land uses? No significant impacts identified
- (d) Quantity and distribution of employment? No significant impacts identified
- (e) Distribution and density of population and housing? No significant impacts identified
- (f) Demands for government services? No significant impacts identified
- (g) Industrial and commercial activity? No significant impacts identified
- (h) Utilities? No significant impacts identified
- (i) Transportation? No significant impacts identified
- (j) Safety? No significant impacts identified
- (k) Other appropriate social and economic circumstances? No significant impacts identified

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts No significant impacts identified

Cumulative Impacts No significant impacts identified

3. ***Describe any mitigation/stipulation measures:*** None

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:***

The only alternative to the proposed action would be the no action alternative. The no action alternative would not permit the applicant to withdraw water from the Fisher River for industrial use.

PART III. Conclusion

1. ***Preferred Alternative***

Issue a water use permit if the Applicant proves the criteria in 85-2-311 MCA are met.

2 ***Comments and Responses***

None

3. ***Finding:***

Yes___ No **X** Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

No significant impacts related to the proposed project have been identified.

Name of person(s) responsible for preparation of EA:

Name: Nathaniel T. Ward

Title: Water Resource Specialist

Date: June 10, 2016